



# House of Representatives

General Assembly

**File No. 734**

January Session, 2009

Substitute House Bill No. 6009

*House of Representatives, April 20, 2009*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE FAILURE OF A WITNESS TO REPORT A SERIOUS CRIME.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2009*) (a) A person is guilty of  
2       failure to report a crime when such person witnesses what the person  
3       knows or reasonably should know is the murder of another person, the  
4       assault or sexual assault of another person that constitutes a felony or  
5       the physical abuse of a child that constitutes a felony, or the attempt  
6       thereof, and does not, as soon as reasonably practicable, report that  
7       crime to a law enforcement agency.

8       (b) In any prosecution for an offense under this section, it shall be an  
9       affirmative defense that the defendant: (1) Did not, as soon as  
10      reasonably practicable, report the crime because the defendant  
11      reasonably believed that (A) doing so would have exposed the  
12      defendant or another person to a substantial risk of physical injury, or  
13      (B) another person had already reported the crime to a law  
14      enforcement official; (2) acted to stop the commission of the crime and

- 15 stopped (A) the commission of the crime, or (B) the completion of the  
16 crime being attempted; or (3) was a victim of the crime.
- 17 (c) Failure to report a crime is a class A misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 10 \$</b>	<b>FY 11 \$</b>
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Dpt (Probation); Correction, Dept.	GF - Cost	Potential	Potential

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill makes it a violation of state law, punishable by imprisonment for up to 1 year and/or a fine of up to \$2,000, for any person to fail to report certain crimes to law enforcement.

The potential number of offenses under the bill is uncertain. It is anticipated that criminal fines would not often be imposed and therefore any revenue gain under the bill is anticipated to be minimal. To the extent that offenders are prosecuted criminally and subsequently convicted or plead guilty, the state could incur a cost associated with incarceration and/or probation supervision in the community. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender.

#### **The Out Years**

The annualized ongoing cost identified above would continue into the future subject to inflation; the annualized ongoing revenue would remain constant into the future since fine amounts are set by statute.

**OLR Bill Analysis****sHB 6009*****AN ACT CONCERNING THE FAILURE OF A WITNESS TO REPORT A SERIOUS CRIME.*****SUMMARY:**

This bill creates the crime of failing to report a crime. It punishes someone who does not, as soon as reasonably practicable, report a crime to a law enforcement agency after witnessing what he or she knows or reasonably should know is (1) murder, (2) assault or sexual assault of someone that is a felony, (3) physical abuse of a child that is a felony, or (4) an attempt to commit one of these crimes.

The bill gives someone prosecuted for this crime an affirmative defense that he or she:

1. did not report the crime as soon as reasonably practicable because (a) it would have exposed the person or another to a substantial risk of physical injury or (b) another person already reported the crime;
2. acted to stop the crime and either stopped it or stopped the completion of the attempted crime; or
3. was a victim of the crime.

The bill makes this a class A misdemeanor punishable by up to one year in prison, a fine of up to \$2,000, or both.

EFFECTIVE DATE: October 1, 2009

**BACKGROUND*****Felony Assaults, Sexual Assaults, and Physical Abuse of a Minor***

All degrees of assault crimes are felonies except for 3<sup>rd</sup> degree

assault and 3<sup>rd</sup> degree assault of an elderly, blind, disabled, pregnant, or mentally retarded person (CGS § 53a-59 *et seq.*).

All degrees of sexual assault crimes are felonies except 4<sup>th</sup> degree sexual assault (CGS § 53a-70 *et seq.*).

Physical abuse of a child, depending on the circumstances, could fall under the assault or sexual assault statutes and also the crime of risk of injury to a minor (CGS § 53-21).

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea    25    Nay   17    (03/31/2009)